IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2571 OF 2006

Nahalchand Laloochand Pvt. Ltd. .... Petitioner

Vs.

M.M.C. & Ors. ... Respondents

Mr. J. Reis with Mr. R.N. Kachare for Petitioner.

Mrs. P.A. Purandhare for Respondents.

CORAM: F.I. REBELLO &
ANOOP V. MOHTA,JJ.
DATED: OCTOBER 03, 2006

P.C.:

. Rule. Heard forthwith.

. It is the case of the Petitioners that considering the circular of Respondent Corporation, Para 2(g), the owner/developer who has developed and handed over the garden/R.G./P.G. should be given first option for adoption and maintenance. Similarly under Clause (12) it is provided as under :

> "In case of housing complexes or townships, preference will be given to the Developer/Federation of Housing Societies,which come forward for development and maintenance of Municipal Plots reserved for R.G./P.G./Garden in thier layout."

. It is the case of the Petitioners that they are developers and as such have applied for adoption and maintenance of the P.G. area in the developed plot. Presently after having handed over the possession to the Corporation, by letter of 26.9.2005, the Petitioners have been requested to maintain the play ground regularly. It is the case of the Petitioners that they have applied on 17.11.2005 for adoption of the P.G. in terms of the circulars.

. On behalf of the Corporation, the learned counsel points out that presently they have not taken any policy decision regarding P.G. areas and the Petitioenrs would continue to maintain the same till such time as the Corporation takes decision in respect of the said P.G. area. Statement made on behalf of the Corporation is accepted. The Corporation is directed to allow the Petitioners to maintain P.G. area subject to whatever further decision that they may take. Rule made absolute accordingly. No order as to costs.

(ANOOP V. MOHTA,J.) **(F.I.REBELLO, J.)**